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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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MELVIN L. MOBLEY, III,

Plaintiff,

*versus*

MAXWELL VINE, *et al.*,

Defendant.

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CIVIL ACTION NO. 1:17-CV-378

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Melvin L. Mobley, a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Maxwell Vine, Jherick M. Cambell, James Cortes, and Miguel A. Martinez Villareal..

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On December 10, 2024, the magistrate judge recommended finding that the grievance procedure was unavailable to Plaintiff and allowing him to proceed with this action. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#260) is **ADOPTED**, and Plaintiff may proceed with this action because the grievance system was unavailable to him. The default judgment previously entered against Defendant Jherick M. Cambell with respect to liability (#70) is **REINSTATED**.

SIGNED at Beaumont, Texas, this 7th day of January, 2025.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE